

State of Michigan



Pesticide Advisory Committee



Fiscal Year 2001 Annual Report

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PAC FISCAL YEAR 2001 ANNUAL REPORT

The Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994, Part 83, Pesticide Control, is administered by the Michigan Department of Agriculture (MDA) through the Pesticide and Plant Pest Management Division (PPPM). The Pesticide Advisory Committee (PAC) was established under Section 8326 of Part 83, to advise and consult with the Director of the MDA in the administration of the Act.

Under the Act, the PAC is required to publish an annual report to the Governor and the Legislature. This report reflects the enforcement actions taken by PPPM during FY 2002 (October 1, 2001 to September 30, 2002).

The 14-member PAC includes five representatives from governmental and university agencies and nine representatives from citizen and industry groups. Representatives from the citizen and industry groups are private citizens chosen for their knowledge and technical expertise in specific areas set forth in Section 8326, Part 83 of Act 451. A current membership list is appended to this report.

Section 8326(4)(e) specifies four major areas to be detailed in this report, including:

1. A review of the recommendations of the PAC.
2. Recommendations regarding amendatory language for the act.
3. Recommendations regarding resources necessary to adequately implement the act.
4. A summary of annual enforcement actions taken under the act.

MEETINGS

The Pesticide Advisory Committee (PAC) meets quarterly, with occasional supplementary meetings called by the Director to address special concerns in a timely manner. The meetings were held in October 2000, and January, April, and July 2001.

COMMITTEE RECOMMENDATIONS

Recommendations made to the Director by the Committee from October 2000 through July 2001:

- ◆ The PAC noted the need to continue to support funding for Fireblight, and to explore ways to prevent Fireblight problems in the future. The PAC made the recommendation after reviewing the agricultural and economic damage caused by Fireblight in the previous year. The PAC recognizes the possibility of reoccurring losses, particularly to the apple industry, and encourages the department to work cooperatively with investigators to promote the development of innovative chemical and agronomic strategies to reduce crop losses.
- ◆ The PAC recommended continued testing for the Plum Pox Virus in Michigan and, if found, to eradicate any infestation. The PAC made the recommendation in the effort to prevent the

spread of exotic diseases and resulting economic loss in the state.

- ◆ The PAC recommended that the Michigan Department of Agriculture (MDA) use existing channels of public communication to provide accurate information on West Nile virus and control strategies. Additionally, the PAC recommends that MDA take aggressive steps to address myths that impact public attitudes toward important control methods and strategies. The PAC supports the distribution of truthful and accurate peer-reviewed science. The recommendation resulted from the PAC receiving misleading information that was not scientifically valid and counterproductive to vector control efforts in the public's interest.

COMMITTEE DISCUSSIONS

Committee discussions have dealt with a variety of subjects, most of which were put forward by members or presented by MDA personnel to acquaint the PAC with current concerns or new programs. Agenda items have included:

- ◆ **Incidental Use Exemptions:** Rule 17 of Regulation 636 gives the MDA director the power to grant authorization for application of general-use pesticides by noncertified or nonregistered applicators. The rule states:

Upon written application to the director and after review by the Pesticide Advisory Committee, the director may authorize the incidental use of general-use pesticides by noncertified or nonregistered applicators if the person is not regularly engaged to apply pesticides for hire, the pesticide application is not the primary work assignment, and the pesticide application is an integral part of another operation.

The Pesticide Advisory Committee selected a subcommittee to review the criteria by which Incidental Use Exemptions were granted. The subcommittee submitted its recommendations to the full PAC, and they were generally accepted and finalized. Letters were issued to those currently granted pesticide incidental use exemptions, explaining the new guidelines. The department asked that those currently holding incidental use exemptions file for renewal or face cancellation under the new guidelines.

Currently, the PAC has formed another subcommittee to review the renewal requests. The subcommittee will make recommendations to the PAC for acceptance or rejection of the applications. Final authorization is still pending.

- ◆ **Certification Issues:** Applicators are now able to receive a printout after the completion of the pesticide applicator exams, indicating chapters where test questions were missed. The certification exam analysis program was designed to help applicators identify subject areas where they may need additional training.

Additionally, MDA sent letters to all commercial pesticide applicators clarifying departmental policy. Issues needing policy interpretation included: 1) subcontracting by unlicensed commercial pesticide applicators; 2) applicants working before issuance of

certification credentials; and 3) enforcement of certain acts and regulations.

- ◆ Occupational Acute Pesticide Incident Surveillance Program: The Michigan Department of Community Health (MDCH) presented to the PAC a four-year project funded by the National Institute for Occupational Safety and Health (NIOSH) beginning FY 2001. The project will attempt to capture the number of acute pesticide poisonings in the state. Since the Michigan Department of Agriculture is the state's lead agency for pesticide-related investigations including drift, misuse, illness, etc., MDA and MDCH will formalize information sharing through a memorandum of understanding specific to occupational exposures with alleged health consequences.
- ◆ Worker Protection Standards (WPS): The Michigan Migrant Legal Assistance Project (MMLAP) and MDA discussed the recent United States General Accounting Office report entitled, "Improvements Needed to Ensure the Safety of Farmworkers and Their Children." The report alleges that farmworkers and their families are inadequately protected against the work-related use of pesticides. In particular, it suggests that EPA cannot give assurances that the protections constituted under the WPS are actually being provided to farmworkers or to their children who work in agriculture. Of particular interest were children under the age of 12 and possible violations of reentry intervals. Migrant workers and their families have the potential to be a highly exposed subpopulation. MDA and MMLAP will work cooperatively to determine the nature and extent of pesticide poisoning to migrant workers and their families. Projects have been proposed by MMLAP requiring MDA funding, including surveys to define how much migrant workers know about pesticides and proximity of living and day care facilities to farm fields.
- ◆ FIFRA 25(B) Exemptions. The PAC requested information regarding FIFRA EPA 25(b) exemptions. This provision exempts certain active and inert ingredients from federal registration requirements because they were generally considered safe. The ingredients include garlic, dried blood, citronella, cedar wood, etc. Even though these products are not registered with EPA, they still require registration in Michigan since they make pesticidal claims. There are currently 120 of these products registered in Michigan for which there are no efficacy requirements.
- ◆ Balance Herbicide (isoxaflutole): MDA's position regarding registration of the use of Balance Herbicide was shared with the PAC. EPA did not approve this product for registration in Michigan, Minnesota, or Wisconsin under a conditional registration issued two years ago. MDA has cautioned growers not to purchase this herbicide in adjacent states where it is registered namely Ohio, Indiana, and Illinois. Michigan has the option of being added to the label for the 2001 growing season; however, Michigan has not chosen to register the product due to a very narrow margin of safety for other crop damage and concerns about ground and surface water contamination.
- ◆ Integrated Pest Management (IPM): EPA is interested in IPM initiatives, especially in schools and community outreach programs. IPM programs have increased six percent this year. Among the most notable examples of implementation of IPM in schools are the Cass Technological High School in Detroit and the Saginaw School District.

The Saginaw School District, in conjunction with Michigan State University, conducted a door-to-door survey to collect community information on pesticide use and pests. The Saginaw community also had a clean-up parade involving students, parents, teachers, and community members to clean areas where rodents might thrive. This program has impacted the community by changing a city ordinance, demolishing old abandoned buildings, and eliminating pest harborages. They have received \$20,000 to continue IPM management in the area.

Other upcoming IPM events include: 1) Limited Resource and Minority Farm seminar and bus tour – September 29 in southwest Michigan and 2) plans to host a community IPM conference in Detroit scheduled for November 3. The Detroit conference is a MDA/MSU/EPA cooperative venture.

◆ Other issues brought before the PAC committee were as follows:

- Proposed Revisions to Regulation 636
- Conservation Reserve Enhancement Program
- MSU Pesticide Applicator Training Updates
- Operation Safe – Aerial Applicator Program
- Michigan State University Extension activities including manuals completed (7b), programs developed, educational materials, and Integrated Pest Management initiatives. MSU has also hosted Pesticide Regulatory Education Programs for EPA.
- Pesticide and Plant Pest Management Division Progress Report
- PPPM Division Personnel Updates
- Gypsy Moth Suppression Program Progress Report
- Bovine Spongiform Encephalitis and Foot and Mouth Disease
- Orchard Removal
- Organic Certification
- Section 18 Exemptions

ENFORCEMENT ACTIONS TAKEN UNDER ACT 451, PART 83, Pesticide Control

MDA staff conducted 194 pesticide use investigations (UIs), of which 48 occurred in agricultural situations and 146 occurred in non-agricultural situations. Of the agricultural use investigations, 34 involved commercial agricultural applicators and 14 involved private agricultural applicators. Of those related to non-agricultural UIs, three involved homeowners and 143 specifically involved commercial applicators.

MDA closed 79 of the 194 total FY 2001 UIs during FY 2001. Twenty investigations were closed with disposition letters indicating no verified violations. Seven investigations were closed with advisory letters. Thirty-nine investigations were closed with a warning letter that has a 20- day written response required. One investigation resulted in an informal hearing. Notices of Intent (NOIs) were issued for seven investigations. Two investigations were resolved via criminal prosecution and two required no enforcement action. Of the 115 remaining pending/open cases, 14 have draft NOIs awaiting closure. In addition, MDA also closed 59

FY2000 investigations during FY2001.

Enforcement Action (FY 2001 cases)		Number of Actions
No enforcement actions required		2
Advisory Letters		7
Disposition Letters		20
Prosecution		2
Informal Hearings		1
Notice of Intent:	Issued	7
	Pending	14
Referrals		1
Warning Letters		39
Totals:		93

